

According to the petitioner, her first marriage took place in the year 1992 and her husband died. Thereafter, she solemnised second marriage with the respondent on 15.7.2005. Immediately after marriage, she was harassed by the respondent and there was demand of dowry. The petitioner was turned out by the respondent on 19.7.2005 just only after one month. The petitioner, therefore, filed a criminal case under Sections 406 and 498A IPC on

20.9.2005 against the respondent which is pending investigation in the Police Station at Jodhpur. The respondent was arrested in this case. It is also submitted that challan has already been filed in the Court case. The petitioner submits that she is young lady and cannot travel to Udaipur to contest the case which is more than 280 kms. away from Jodhpur.

Learned counsel for the respondent vehemently submitted that the present transfer application has been filed just to harass the respondent. It is also submitted that the respondent is prepared to bear all the expenses for traveling to the Court at Udaipur. It is also submitted that a false case has been lodged against the respondent at Jodhpur.

I have considered the rival submissions and perused the facts of the case.

The Court where the divorce petition has been filed by the respondent is about more than 280 kms. from Jodhpur and the petitioner is a young lady and she says that she cannot travel to Udaipur for contesting the case. In the totality of the facts and circumstances of the case, that the petition filed by respondent be transferred to Jodhpur.

In view of the above, this transfer petition is allowed, the Petition no.312/2005 (Duli Chand vs. Smt.

Sunita Sharma) filed by the respondent pending in the Court of Family Court, Udaipur is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

Both the parties are directed to remain present before the Family Court, Jodhpur on 21.8.2006.

(PRAKASH TATIA), J.

S.Phophaliya